

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Rothenberg
Serial No	10/759,658
Filed	January 16, 2004
Examiner	Bunner
Group Art Unit	1647
Confirmation No.	8032
Title	REGULATION OF ALERGEN INDUCED GENE
Atty. Docket	CMC-162

Cincinnati OH 45202

September 8, 2006

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

ELECTION AND PRELIMINARY AMENDMENT

Responsive to the August 8, 2006 Restriction in the above-referenced application, Applicant elects Group III (claims 11-15). Thus, the Examiner's ¶¶ 3-6 requirements are not applicable. For the Examiner's ¶7 requirement, Applicant elects ee (RELM β protein). For the Examiner's ¶8 requirement, Applicant elects clinical status. Applicant asserts the species restrictions accompanying Group III are improper, at least because search of the method with RELM α and RELM β will necessarily disclose art encompassing the species.

Prior to examination of this application, please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.